

REGULAR MEETING OF COMMON COUNCIL

A regular meeting of the Common Council of the City of Chippewa Falls was held on Tuesday, May 19, 2009 at 6:30 PM in the City Hall Council Chambers. Mayor Gregory Hoffman presiding. The Pledge of Allegiance was given.

CLERK CALLS THE ROLL

Council members present: Michael Dahlby, Brian Flynn, CW King, Jason Anderson, Donald Baker, Dennis Doughty, Susan Zukowski.

City staff present: City Planner Jayson Smith, Public Works Director/City Engineer Rick Rubenzer, Police Chief Wayne Nehring, Fire Chief Tom Larson(arrived 7:00 PM)

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

(a) Motion by Doughty/Zukowski, all present voting aye, to approve the minutes of the regular council meeting of May 5. **Motion carried.**

PERSONAL APPEARANCES BY CITIZENS

Susan Holm, West Columbia Street, Chippewa Falls, read the mission statement of the City and asked the City to do their due diligence. She indicated there was a DNR hearing today regarding the air quality permit for the sand plant where 28 people spoke against the issue. **Cheryl Jensen**, property owner of 55 E. Central Street, spoke on behalf of children who need to be assured of a safe and secure environment. She believes the burden of proof lies with CS&P that the sand plant poses no health risk to them now or forty years from now. **Joanna Dane**, West Willow Street, is concerned with pedestrian welfare and would like to see handicapped accessible ramps at all crosswalks on city streets. City Engineer Rick Rubenzer indicated that was presently the policy. **Pat Popple**, Summit Avenue, Chippewa Falls, commended City Engineer Rick Rubenzer and Alderman Dahlby for attending the DNR hearing today regarding the air quality permit for the sand processing plant. She urged the Council and Plan Commission members to review the testimony from the hearing before making any final decisions.

PUBLIC HEARINGS

(a) The Mayor opened a public hearing at 6:39 PM regarding the rezoning of Lots 3 & 4 Gateway Center Plat, Parcels 1703.03 & 1703.04 from C-4 Highway Commercial to R-3A Multi Family Residential District. City Engineer Rick Rubenzer read comments contained in a letter dated May 1, 2009 from Jeff Abboud, Division of Transportation stating *"These lots may experience noise at levels exceeding levels in s. Trans 405.05, Table 1. These levels are based on federal standards. The Department of Transportation is not responsible for abating noise from State Trunk Highways, in the absence of any increase by the department to the highway's through-lane capacity."* John Scheppke, owner of the properties, appeared on behalf of his request for rezoning. No one else appeared for or against this issue and the Mayor closed the hearing at 6:41 PM.

COMMUNICATIONS

None

REPORTS

(a) Motion by Anderson/Zukowski to approve the minutes of the Plan Commission meeting of May 11 with a revision adding Connie Russell as those attending. **After a roll call vote, said motion passed unanimously.**

APPLICATIONS

- (a) **Motion by Doughty/Zukowski, all present voting aye**, to approve the Operator (Bartender) licenses as recommended by the Police Department. **Motion carried.**
- Motion by Anderson/King, all present voting aye**, to deny the operator license application of Scott Brummond as recommended by the Police Department. **Motion carried.**
- (b) **Motion by Zukowski/Flynn, all present voting aye**, to approve the Application of Chippewa Falls Area Chamber of Commerce for a Temporary Class "B"/"Class B" Retailer's License for June Dairy Day Chicken Dinner on June 17. **Motion carried.**
- (c) **Motion by Zukowski/Doughty, all present voting aye**, to approve the Application of Chippewa Falls Chamber of Commerce for a Class E Dance License for June 17. **Motion carried.**
- (d) **Motion by Flynn/Anderson, all present voting aye**, to approve the Application of Notre Dame Parish for a Temporary Class "B"/"Class B" Retailer's License for Notre Dame Parish for Notre Dame Parish Picnic on August 8 & 9. **Motion carried.**
- (e) **Motion by Anderson/Doughty, all present voting aye**, to approve the Street Use Permit Application of Daryl Pries for Law Enforcement Torch Run for Special Olympics on June 3. **Motion carried.**
- (f) **Motion by Doughty/Zukowski, all present voting aye**, to table the Sidewalk Use Permit Application of Foreign 5 & Lucy's Deli, 117 and 123 N. Bridge Street until more detailed information such as the tables to be used and a picture of the site is provided. **Motion carried.**
- (g) **Motion by Doughty/Flynn, all present voting aye**, to approve the Application for Valley Art Association for a Class E Dance License on June 20. **Motion carried.**
- (h) **Motion by Doughty/Dahlby, all present voting aye**, to approve the amendment to the Class B Beer/Class C Wine license premises description of Duncan Creeke Wine Bar & Grille, 213 N. Bridge Street, to include a 23' x 26" beer garden in the back contingent upon the gate for emergency exits meeting the required standards. **Motion carried.**

PETITIONS None

MAYOR ANNOUNCES APPOINTMENTS

- (a) **Motion by Doughty/Zukowski, all present voting aye**, to approve the appointment of Melanie Berg, 312 W. Columbia Street, to the Board of Review. **Motion carried.**

MAYOR'S REPORT

- (a) Mayor Hoffman read a Proclamation regarding the annual distribution of Buddy Poppies by the Veterans of Foreign Wars of the United States and urged citizens to contribute generously as a symbol of appreciation for the sacrifices of our honored dead.

COUNCIL COMMITTEE REPORTS

- (a) The Park Board minutes from May 12 were presented.
- (b) The Library Board minutes of May 13 were presented.

REPORT OF OFFICERS

- (a) Council President Susan Zukowski and First Ward Alderman Mike Dahlby attended the New Officials workshop May 15 sponsored by the League of Wisconsin Municipalities and felt it was very worthwhile.

ORDINANCES

- (a) **Motion by Doughty/Anderson** to approve **Ordinance 2009-08 Entitled: An Ordinance Amending the Zoning Code of the City of Chippewa Falls.** **After a roll call vote, said motion**

passed unanimously. (This ordinance relates to Parcels 1703.03 & 1703.04 Lots 3 & 4 of Gateway Center Plat from C-4 Highway Commercial to R-3A Multi Family Residential District.)

RESOLUTIONS

(a) Motion by King/Doughty to approve **Resolution 2009-14 Entitled:** Resolution to Sign Deed for Transfer of 21 East Grand Avenue to CFMIT. **After a roll call vote, said motion passed unanimously.** Tom Halbleib and Jim Mandelert appeared on behalf of CFMIT and thanked the Council for this opportunity and assured council members the museum is in capable hands. They invited everyone to a short ceremonial signing and open house on Tuesday, May 26 at 8 AM.

OTHER NEW OR UNFINISHED BUSINESS AS AUTHORIZED BY LAW

(a) There was a presentation by Canadian Sand & Proppant regarding their request to purchase property from the City for the construction of railroad spurs. Mike Swoboda, S.E.H., presented aerial photos of the site and provided information on the property relating to this purchase. Gary Stone, CS&P, indicated they would like to purchase the property and construct railroad spurs to allow more track storage and switching on the spurs instead of the main line. This would increase safety and reduce vehicle traffic delays. He also stated the City would receive revenue immediately from this sale and then have the property back on the tax rolls. The Council questioned Mr. Stone on stormwater issues and why they had not requested to buy this property sooner.

CLAIMS

(a) The Claims Committee met at 6:00 PM before the regular meeting to review the claims for payment by the various departments of the city. **Motion by Doughty/Zukowski** to approve the payment of the claims listed below. **After a roll call vote, said motion passed unanimously.**

City General Claims and

Authorized/Handwritten Claims: \$294,717.20

Public Utility Claims \$167,592.20

CLOSED SESSION (7:16 PM)

Motion by Doughty/Zukowski to go into closed session under 19.85(1)(e) for “deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session” to **(a) Consider Offer to Purchase from CSP Plant Property Holdings, LLC to purchase approximately three acres at the end of Halbleib Street** and to allow City Engineer Rick Rubenzer, City Planner Jayson Smith, City Clerk Lynne Bauer and City Attorney Bob Ferg to attend and reserve the option to call in representatives of CS&P; may return to open session. **Said motion passed after the following roll call vote: Aye – Doughty, Zukowski, Flynn, Anderson, Baker; Nay – Dahlby, King.**

The council discussed this matter.

Motion by Anderson/Baker, all present voting aye, to go back into open session. **Motion carried.**

Mayor Hoffman indicated that a vote was held in closed session to deny the sale of the property based on the current offer to purchase.

ADJOURNMENT

Motion by Doughty/Zukowski, all present voting aye, to adjourn at 8:15 PM. **Motion carried.**

Submitted by,
Lynne Bauer, City Clerk